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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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S.I.R.P.R.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

1:25-cv-525

Jane M. Beckering
United States District Judge

Plaintiff: Daniel Van Doren, 1115 E. Vine St. Kalamazoo, MI 49001

Defendants: Salsa's Mexican Restaurant, 555 E Emmett St, Battle Creek, MI 49017

Francisco Hernandez, 21 Kelley Avenue, Battle Creek, MI 49017

Maria Del Rosado Romero Valenzuela, 555 E Emmett St, Battle Creek, MI 49017

CASE NO.:

COMPLAINT

1. INTRODUCTION

1.1 This is a complaint filed by Daniel Van Doren (hereafter "Plaintiff") against Salsa's Mexican Restaurant and its associated owners (hereafter "Defendant").

1.2 Plaintiff seeks monetary relief for copyright infringement, as well as an injunction prohibiting the Defendant from any further infringing acts.

2. JURISDICTION AND VENUE

2.1 Plaintiff asserts that this case falls under federal jurisdiction pursuant to the United States Copyright Act (17 U.S.C. § 101 et seq.).

2.2 Plaintiff states that the Western District Court of Michigan is the appropriate venue because the infringement occurred within this district, and both Plaintiff and Defendant reside or operate within the district.

2.3 Out of court methods of resolution have been ignored, and the Defendant declined to cooperate with the Copyright Claims Board, thus leaving Federal Court as the only viable option for resolution.

3. PARTIES

3.1 Plaintiff, Daniel Van Doren, resides at 1115 E. Kalamazoo, MI 49001.

3.2 Defendant, Salsa's Mexican Restaurant, operates at 555 E Emmett St, Battle Creek, MI 49017.

3.3 Defendant's owners include Francisco Hernandez, residing at 21 Kelley Avenue, Battle Creek, MI 49017, and Maria Del Rosado Romero Valenzuela, whose registered address matches the restaurant.

4. STATEMENT OF FACTS

4.1 Plaintiff is the copyright owner of an image titled "Chimichanga - AZ4A1264" (Copyright Registration No. VA0002424901, Image No. 26).

4.2 Plaintiff has proof of ownership in the form of a valid Copyright Registration Certificate granted by the United States Register of Copyrights.

4.3 In November 2024, Plaintiff discovered that Defendant was using this copyrighted image in their in-store and printed menus, and potentially in other marketing materials since at least October of 2022.

4.4 Plaintiff informed Defendant of the infringement via a letter dated November 20, 2024, offering licensing options and photography services to ensure compliance with copyright law. This correspondence was ignored.

4.5 Plaintiff filed a complaint with the United States Copyright Claims Board (*Docket No. 25-CCB-0002*), seeking \$10,296 in damages, which was equal at the time to The Plaintiff's monthly fee for social media management from the date of infringement beginning to the date of filing.

4.6 The Copyright Claims Board found the complaint valid and compliant with U.S. copyright law. Plaintiff was directed to serve the Defendant with the claim.

4.7 Defendant opted out of the Claims Board proceedings without providing any comment or defense.

5. CLAIMS FOR RELIEF Plaintiff requests the following relief:

- **Damages:** \$51,480 (five times the originally claimed amount).
- **Reimbursement of Service and Filing Costs:** \$701.75 (calculated as \$140.35 multiplied by five).
- **Punitive Damages:** \$5,218.17 (10% of the total damages sought, justified by Defendant's continual refusal to address their wrongdoing).
- **Attorneys' Fees & Court Costs:** Plaintiff requests reimbursement for any attorneys' fees incurred during this lawsuit as well as any other court related fees accrued during this process.
- **Total Requested Damages:** \$57,399.92 (tentative and subject to change based on additional costs incurred and Discovery).
- **Injunctive Relief:** Plaintiff seeks an order prohibiting Defendant from any future infringement and establishing that payment of damages does not constitute a licensing fee.

6. CONCLUSION Plaintiff respectfully requests the Court to grant the relief outlined above, award any further remedies deemed appropriate after Discovery determines the scale of infringer's profits, and ensure enforcement of an injunction against the Defendant's infringing activities.

DATED:

Respectfully submitted,
Daniel Van Doren



1115 E. Kalamazoo, MI 49001